

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DUANE LETROY BERRY,

Petitioner,

v.

SCOTT STEPHENSON,

Respondent.

Case No. 18-10586
Hon. Terrence G. Berg

**ORDER DENYING AS MOOT PETITIONER'S
MOTION FOR A RESPONSE (Dkt. 8)**

On February 20, 2018, pro se prisoner Duane Letroy Berry petitioned the Court for a writ of habeas corpus. Dkt. 1. The petition alleged that respondent Scott Stephenson was holding Petitioner in unlawful custody at the Midland County Jail in violation of federal district court orders and his Fifth Amendment right to due process.

On May 31, 2018, the Court summarily dismissed the petition because Berry had failed to exhaust state remedies for his claim and because a parallel criminal action was pending in state court, making federal-court abstention appropriate. Dkt. 4.

On June 25, 2018, Petitioner a notice of appeal, and on June 26, 2018, Petitioner filed a motion for a response, claiming that his habeas case had remained dormant in this Court for over 120 days.

Dkts. 6, 8. On June 29, 2018, Petitioner filed another notice of appeal. Dkt. 9. Three days later, on July 2, 2018, The United States Court of Appeals for the Sixth Circuit dismissed the second appeal as duplicative of the first appeal. Dkt. 11. On August 20, 2018, the Sixth Circuit dismissed the initial appeal for want of prosecution. Dkt. 12.

Based on the foregoing history of this case, no further action by this Court is required. The habeas petition has been adjudicated, this case is closed, and Petitioner's appeals have been resolved.

Accordingly, it is **ORDERED** that Petitioner's motion for a response (Dkt. 8) is denied as moot.

SO ORDERED.

Dated: December 17, 2018 s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically filed, and the parties and/or counsel of record were served on December 17, 2018.

s/A. Chubb
Case Manager